

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**DAVID PIERCE, *individually
and on behalf of all persons similarly
situated,***

Plaintiff,

v.

Case No. 1:20-cv-117

STATEBRIDGE COMPANY, LLC,

Defendant.

**PLAINTIFF’S UNOPPOSED MOTION FOR FINAL APPROVAL OF
SETTLEMENT, ATTORNEY’S FEES AND SERVICE AWARD**

Plaintiff, by counsel, respectfully moves this Court for final approval of the settlement reached by the Plaintiff and Defendant in this case, for an award of attorneys’ fees, and for a service award as preliminarily approved by this Court on February 10, 2021. (ECF No. 32.) Specifically, Plaintiffs respectfully request that the Court enter an Order:

(1) Pursuant to Fed. R. Civ. P. 23(e), granting final approval in all respects of the terms and provisions of the Class Action Settlement Agreement (“Settlement Agreement”), which the Court preliminarily approved by Order entered on February 10, 2021;

(2) Awarding Plaintiff and Class Representative David Pierce a service award of \$1,000 in recognition of his service to the class, which Defendant is paying outside of the Settlement Fund;

(3) Awarding Class Counsel their attorneys' fees and costs in the amount of \$50,000.00, which Defendant is paying outside of the Settlement Fund;

(4) Dismissing the class claims of the Plaintiffs and the class members in this action with prejudice;

(5) Incorporating the releases as set forth in Section VII of the Settlement Agreement together with the definitions in paragraphs II, 1 through 19 relating thereto;

(6) Ordering that, upon the Effective Date, Plaintiff and Settlement Class Members, are forever barred and enjoined from commencing, instituting or continuing to prosecute any action or any proceeding in any court of law or equity, arbitration tribunal, administrative forum, or other forum of any kind (whether within the United States or not) asserting any of the Settled Claims against any of the Released Persons;

(7) Ordering that, upon the Effective Date, Plaintiffs and Settlement Class Members shall be deemed to have, and by operation of the Judgment shall have, fully, finally and forever released, relinquished and discharged all Settled Claims against the Released Persons;

(8) Ordering that neither the Settlement Agreement nor the settlement contained therein, nor any act performed or document executed pursuant to or in furtherance of the Settlement Agreement or the Settlement: (a) is or may be deemed

to be or may be used as an admission of, or evidence of, the validity of any Settled Claim, or of any wrongdoing or liability of the Released Persons; or (b) is or may be deemed to be or may be used as an admission of, or evidence of, any fault or omission of any of the Released Persons in any civil, criminal or administrative proceeding in any court, administrative agency or other tribunal. The Settlement Agreement may be filed in an action to enforce or interpret the terms of the Settlement Agreement, the Settlement contained therein, and any other documents executed in connection with the performance of the agreements embodied therein. Defendant and/or the other Released Persons may file the Settlement Agreement and/or this Judgment in any action that may be brought against it in order to support a defense or counterclaim based on the principles of *res judicata*, collateral estoppel, full faith and credit, release, good faith settlement, judgment bar, or reduction or any other theory of claim preclusion or issue preclusion or similar defense or counterclaim; and

(9) Retaining jurisdiction over this action for the purpose of interpretation and enforcement of the Class Action Settlement Agreement, including oversight of settlement administration and distribution of settlement funds.

Defendant does not oppose this motion. The Declaration of Kevin Breedlove, who caused the Notices to be mailed and compiled the Settlement Class List, including two Class Member opt-outs, is attached as Exhibit A. The Declaration of

James Kauffman, one of the attorneys appointed as Class Counsel is attached as Exhibit B. A proposed order granting final approval is attached as Exhibit C.

The Court has scheduled a final approval hearing for April 29, 2021.

WHEREFORE, Plaintiff requests that this Court grant this motion and enter a final order pursuant to the terms set forth above.

Respectfully submitted,

Dated: April 22, 2021

/s/ James L. Kauffman
James L. Kauffman
Bailey Glasser LLP
1055 Thomas Jefferson Street N.W.
Suite 540
Washington, DC 20007
Telephone: (202) 463-2101
Facsimile: (202) 463-2103
jkauffman@baileyglasser.com

W. Stacy Miller II, Esq.
Miller Law Group, PLLC
2424 Glenwood Avenue, Suite 201
Raleigh, NC 27608
Office: 919-348-4361
Fax: 919-729-2953
Stacy@MillerLawGroupNC.com

Benjamin M. Sheridan, Esq.
Klein & Sheridan, LC
3566 Teays Valley Road
Hurricane, WV 25526
Phone: (304) 562-7111
Fax: (304) 562-7115
bsheridan@kswvlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2021 a copy of the foregoing document was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ James L. Kauffman
James L. Kauffman